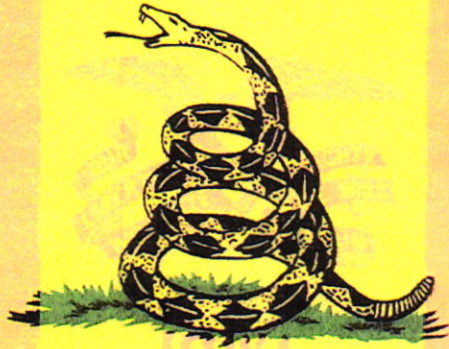


# ALERT! The State of Iowa is Trying to Force Wind Turbines Down Our Throats *Again!*



DONT TREAD ON ME

**IMPORTANT!** This issue affects everyone in the state of Iowa, and everyone needs to read this article. It looks like this site won't be shutting down as soon as we thought it would. Just when we thought we were safe and we had won our nearly two year long battle (99% of which the community citizens paid for out of their own pockets) to get reasonable protections for non-participating landowners against encroachment of wind turbines on their land, these bastards are at it again, this time attacking us at the state level. Iowa Senate Bill SF 376, "A bill for an act relating to the siting and operation of renewable electric power generating facilities," introduced to the committee on February 19<sup>th</sup>, would **strip away ALL local control from communities everywhere in the state to regulate siting and operation of wind**

**turbines within their counties!**

Among the prohibitions in this bill?

- Communities may NOT deny a commercial wind energy company a permit to build wind farms within their county.
- Counties may NOT limit the number of wind turbines that a company can construct. You could literally have 300 wind turbines surrounding your house on all sides. (Just look at Adair County, which currently has no fewer than 532 wind turbines!)
- Counties may NOT use CSR (Corn Suitability Rating) as a criteria to determine where wind farms can be constructed (a direct attack on the regulation we just passed in Buchanan County).
- Counties may NOT require a distance from a neighbor's home of more than 3 times the height of the turbine, (even though detached blades can fly MUCH farther than this).
- Counties may NOT require a distance of more than 1 and 1/10th the height of the turbine from a neighbor's property line.

Make no mistake, Senate Bill SF 376 was **not** written by the Senate, but by wind energy companies for THEIR benefit and to line THEIR pockets. As I have demonstrated with proven statistics in many previous articles on this site, wind turbines do NOT create jobs, and they do NOT lower electricity rates. In fact, the opposite is true. Electricity rates invariably go up to pay for the cost of these projects. These companies don't even care about the land owners who sign leases with them! This is no longer a battle that only affects a few counties in Iowa. It has escalated into total war that affects **everyone** who lives in Iowa. Furthermore, it is a DIRECT, BLATANT and downright UNETHICAL assault on Iowa Code 352.1 that specifically gives local control to communities to regulate business, land use, and energy production in their counties.

In fact, Iowa Code 352.1 specifically states:

*“It is the intent of the general assembly to provide local citizens and local governments the means by which agricultural land may be protected from nonagricultural development pressures.”*

**What you need to do:**

- Carpet bomb your local representatives and senators. Tell them to vote **NO** on SF 376.
- Write to President Donald Trump and ask him to immediately issue an executive order that revokes all federal subsidies on wind turbines / renewable energy projects.

Make no mistake people, we are now in an all out war to protect our way of life and to keep big government out of controlling how we choose to use land in our local counties. And it affects **everyone** who lives in Iowa.

**Source:** <https://bucoa.org>

Senate File 376 - Introduced

SENATE FILE 376

BY KLIMESH

A BILL FOR

1 An Act relating to the siting and operation of renewable  
2 electric power generating facilities.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 476.53A, Code 2025, is amended to read  
2 as follows:

3 **476.53A Renewable electric power generation.**

4 1. It is the intent of the general assembly to encourage  
5 the development of renewable electric power generation. It  
6 is also the intent of the general assembly to encourage the  
7 use of renewable power to meet local electric needs and the  
8 development of transmission capacity to export wind excess  
9 power generated in Iowa.

10 2. To implement the intent of the general assembly and  
11 promote uniformity, the standards in this section shall  
12 apply to the approval by local authorities of all wind energy  
13 conversion facilities proposed after January 1, 2025.

14 3. For purposes of this section, unless the context  
15 otherwise requires:

16 a. "Abutting dwelling" means an occupied building or  
17 structure used primarily for human habitation that is located  
18 on nonparticipating property.

19 b. "Battery energy storage system" means an electrochemical  
20 device that charges, or collects, energy from the grid or a  
21 generation facility, stores that energy, and then discharges  
22 that energy at a later time to provide electricity or other  
23 grid services.

24 c. "Community building" means any one or more of the  
25 following buildings that is existing and occupied on the date  
26 that the application for approval, rezoning, or a special or  
27 conditional use permit is filed with the county: a school, a  
28 place of worship, a day care facility, a public library, or a  
29 community center.

30 d. "Local authority" means a city as defined in section  
31 362.2 or a county as provided in chapter 331.

32 e. "Nonparticipating property" means any real property owned  
33 by a person who has not granted written permission, consent,  
34 an easement, or other similar agreement pertaining to a wind  
35 energy conversion facility on such property.

1 f. "Public road right-of-way" means the same as defined in  
2 section 306.3.

3 g. "Railroad right-of-way" means the same as defined in  
4 section 476.27.

5 h. "Renewable electric power generation facility" means  
6 a battery energy storage system, a solar energy conversion  
7 facility, or a wind energy conversion facility.

8 i. "Repowering" means the same as defined in section 476.53.

9 j. "Solar energy conversion facility" means a solar energy  
10 conversion facility, as defined in section 476C.1, that has  
11 a nameplate generating capacity greater than one hundred  
12 kilowatts.

13 k. "Unoccupied structure" means a building or structure that  
14 is not occupied or used primarily for human habitation at the  
15 time of siting.

16 l. "Wind energy conversion facility" or "facility" means a  
17 wind energy conversion facility, as defined in section 476C.1,  
18 or a wind turbine that is part of a wind energy conversion  
19 system, that has a nameplate generating capacity greater than  
20 one hundred kilowatts.

21 4. a. A local authority may determine setback standards  
22 for wind energy conversion facilities that, notwithstanding any  
23 statute or regulation to the contrary, shall be no greater than  
24 and shall not include any setback requirements beyond those in  
25 this subsection:

26 (1) The facility shall be sited three times the total  
27 height of a wind energy conversion facility to be constructed  
28 on a proposed facility from any existing abutting dwelling or  
29 community building.

30 (2) The facility shall be sited one and one-tenth times  
31 the total height of a wind energy conversion facility to  
32 be constructed on a proposed facility from any existing  
33 nonparticipating property.

34 (3) The facility shall be sited one and one-tenth times  
35 the total height of a wind energy conversion facility to be

1 constructed on a proposed facility from any existing overhead  
2 utility line, electric substation, public road right-of-way,  
3 railroad right-of-way, or unoccupied structure.

4 (4) Each wind turbine shall not exceed the height allowed  
5 under the determination of no hazard for that turbine from the  
6 federal aviation administration obstruction evaluation under  
7 14 C.F.R. pt. 77.

8 b. For purposes of this subsection, the facility site  
9 distance shall be measured from the center of the wind energy  
10 conversion facility foundation to the nearest point of the  
11 abutting dwelling, community building, nonparticipating  
12 property, overhead utility line, electric substation, public  
13 road right-of-way, railroad right-of-way, or unoccupied  
14 structure.

15 c. For purposes of this subsection, the total height of  
16 a wind energy conversion facility shall be measured as the  
17 distance from ground level to the tip of the wind energy  
18 conversion facility's blade at its highest vertical point.

19 5. A local authority may determine setback standards  
20 for solar energy conversion facilities. For purposes of  
21 this subsection, distance shall be measured from the nearest  
22 aboveground point of a solar facility, not including any  
23 fencing, to the nearest point of the abutting dwelling,  
24 overhead utility line, electric substation, nonparticipating  
25 property line, public road right-of-way, railroad right-of-way,  
26 or unoccupied structure. The standards shall be no greater  
27 than:

28 a. Fifty feet from the near edge of any existing  
29 nonparticipating property line or one hundred feet from any  
30 existing abutting dwelling or community building, whichever is  
31 greater.

32 b. Fifty feet from any existing overhead utility line,  
33 substation, public road right-of-way, or railroad right-of-way.

34 6. A local authority may determine setback standards  
35 for battery energy storage systems. For purposes of this

1 subsection, distance shall be measured from the nearest storage  
2 container edge to the nearest point of the abutting dwelling,  
3 overhead utility line, electric substation, nonparticipating  
4 property line, public road right-of-way, railroad right-of-way,  
5 or unoccupied structure. The standards shall be no greater  
6 than:

7 a. Fifty feet from any existing participating property line.

8 b. One hundred feet from any existing nonparticipating  
9 property line or any existing abutting dwelling or community  
10 building.

11 c. Fifty feet from any existing nonassociated transmission,  
12 substation, or distribution lines.

13 d. Fifty feet from any public road right-of-way or railroad  
14 right-of-way.

15 7. A local authority may only implement the following  
16 additional standards and only to the extent specified in this  
17 subsection:

18 a. A shadow flicker standard that is no more restrictive  
19 than thirty hours per year under planned operating conditions  
20 as indicated by industry standard computer modeling measured  
21 from an abutting dwelling or community building.

22 b. A sound limitation that is no more restrictive than  
23 a maximum forty-seven decibel sound from the wind energy  
24 conversion facility as measured at an existing abutting  
25 dwelling or community building. Decibel modeling shall use the  
26 A-weighted scale as designed by the American national standards  
27 institute. Sound modeling shall be completed by a professional  
28 board-certified by the institute of noise control engineering,  
29 or an appropriately licensed professional engineer.

30 c. A requirement that the applicant of a proposed wind  
31 energy conversion facility shall agree to repair or replace any  
32 damaged drainage infrastructure if directly attributable to the  
33 construction or operation of the facility.

34 d. A requirement that renewable electric power generation  
35 facilities meet all applicable national electric safety code

- 1 and international building code requirements.
- 2 e. A requirement that renewable electric power generation  
3 facilities meet all applicable provisions of national fire  
4 protection association standard 855.
- 5 f. A requirement that renewable electric power generation  
6 facilities for fencing are no more restrictive than the  
7 requirement issued by the national electric safety code.
- 8 g. A requirement for solar energy conversion facilities  
9 to maintain appropriate ground cover within the solar energy  
10 conversion facility's fence line throughout the life of the  
11 facility to minimize erosion.
- 12 h. A height requirement for solar energy conversion  
13 facilities for a minimum one and one-half feet panel height  
14 from the ground, exclusive of supporting infrastructure, with  
15 no additional or higher minimum height requirements for the  
16 solar energy conversion facility.
- 17 8. A local authority must provide a process for the owner of  
18 any abutting dwelling, nonparticipating property, or community  
19 building to waive the standards in this section or those  
20 adopted by a local authority.
- 21 9. A local authority must use reasonable estimates of the  
22 cost of approving an application for a facility, which shall  
23 not exceed one thousand dollars per wind energy conversion  
24 system, solar energy conversion system, or battery energy  
25 storage system. A local authority may not require the facility  
26 owner to pay costs, fees, or charges for administrative or road  
27 work that is not specifically and uniquely attributable to the  
28 approval and construction of the facility.
- 29 10. A local authority shall not prohibit or regulate testing  
30 activities undertaken by a wind energy conversion facility  
31 owner for purposes of determining the suitability of the  
32 placement of a wind energy conversion facility.
- 33 11. Ordinances, limitations, or other requirements imposed  
34 after an application for approval, rezoning, or a special  
35 or conditional use permit for a renewable electric power



1 generation facility has been submitted or previously approved  
2 shall not be construed to limit or impair the construction,  
3 operation, or maintenance of the renewable electric power  
4 generation facility.

5 12. A local authority shall not prohibit an affected  
6 landowner or other entity from waiving any requirements under  
7 this section by the conveyance of an easement or other property  
8 interest.

9 13. a. A local authority may require the owner of the  
10 proposed renewable electric power generation facility to file  
11 with the county recorder of the county or counties in which  
12 the proposed facility will be located a decommissioning plan  
13 outlining measures that will be taken to return the land to  
14 a reasonably similar state to the condition that existed  
15 before construction of the renewable electric power generation  
16 facility. Removal requirements of underground project  
17 infrastructure may not exceed a maximum depth of four feet. If  
18 the proposed facility will be located within two miles of the  
19 corporate limits of a city, the owner of the proposed facility  
20 may also be required to file the plan with the city clerk. A  
21 local authority shall not require a revision or amendment of  
22 a decommissioning plan.

23 b. A local authority may require the owner to provide  
24 in the decommissioning plan proof of financial assurance to  
25 fund decommissioning efforts, which assurance is calculated  
26 by an independent third party as the estimated costs of  
27 decommissioning, inclusive of net salvage value, no earlier  
28 than the following schedule:

29 (1) Five percent of determined decommissioning costs  
30 committed by the initial commercial operation date.

31 (2) One hundred percent of determined decommissioning costs  
32 committed by the fifteenth year of commercial operation.

33 c. After the fifteenth year of commercial operation, the  
34 owner of the renewable electric power generation facility  
35 may reestimate the cost of decommissioning, inclusive of net

1 salvage value, using an independent third party for the purpose  
2 of redetermining the amount required for financial assurance.

3 d. Evidence of financial security may be in the form of a  
4 surety bond, collateral bond, parent guaranty, cash, cashier's  
5 check, certificate of deposit, bank joint custody receipt, or  
6 other approved negotiable instrument.

7 e. This subsection shall not apply to a renewable electric  
8 power generation facility owned or operated by a public utility  
9 regulated by the Iowa utilities commission.

10 14. A renewable electric power generation facility shall be  
11 presumed abandoned if the facility fails to operate for more  
12 than twenty-four consecutive months without generating energy,  
13 excluding repowering or required maintenance events or force  
14 majeure events outside of the owner's control. The owner of  
15 the abandoned facility shall be responsible for the removal of  
16 the facility, including the removal of infrastructure four feet  
17 below ground level and subject to any reasonable additional  
18 conditions of a decommissioning plan filed with the local  
19 authority.

20 15. a. This section shall not apply to a wind energy  
21 conversion facility that has a nameplate capacity of  
22 twenty-five or more megawatts on any single gathering line  
23 and if the facility has applied for certification pursuant to  
24 chapter 476A.

25 b. This section shall not apply to a renewable electric  
26 power generation facility that is operating or has submitted  
27 an application for the issuance of permits on or before the  
28 effective date of this Act.

29 c. This section shall not apply to the repowering of a wind  
30 energy conversion facility existing on or before January 1,  
31 2025.

32 d. This section shall not apply to the repowering of a  
33 renewable electric power generation facility, which is not  
34 already excluded under paragraph "c", existing on or before  
35 January 1, 2025, provided that the repowering does not require

1 the issuance of any new permits, or amendments to existing  
2 permits, from a local authority. This section shall apply  
3 to the repowering of a renewable electric power generation  
4 facility existing on or before January 1, 2025, when such  
5 repowering requires the issuance of any new permits, or  
6 amendments to existing permits, from a local authority.

7 16. a. A local authority within one hundred twenty calendar  
8 days of receiving an application requesting approval, rezoning,  
9 or a special or conditional use permit for a renewable electric  
10 power generation facility, or modification of an approved  
11 siting, rezoning, or special or conditional use permit, shall  
12 comply with the following provisions:

13 (1) Review the application for conformity with applicable  
14 local zoning regulations, building permit requirements, and  
15 consistency with this chapter. An application is deemed to  
16 be complete unless the local authority notifies the applicant  
17 in writing, within thirty calendar days of submission of the  
18 application, specifying the deficiencies in the application  
19 that, if cured, would make the application complete. The local  
20 authority's time frame to review the application is tolled  
21 beginning the date the notice is sent. The local authority's  
22 time frame of one hundred twenty days for review of the  
23 application shall continue running when the applicant cures the  
24 specified deficiencies. Following the applicant's supplemental  
25 submission, the local authority has ten days to notify the  
26 applicant if the supplemental submission did not provide the  
27 information identified in the original notice that specified  
28 deficiencies in the application. The local authority's time  
29 frame of one hundred twenty days to review the application  
30 is tolled in the case of second or subsequent notices in  
31 conformance with this subparagraph. The local authority  
32 shall not include deficiencies in a second or subsequent  
33 notice that were not delineated in the original notice. The  
34 local authority's time frame for review does not toll if the  
35 local authority requests information regarding any of the

1 considerations a local authority may not consider according to  
2 this section.

3 (2) Make its final decision to approve or disapprove the  
4 application.

5 (3) Advise the applicant in writing of its final decision.

6 b. A local authority must approve, approve with  
7 modifications, or deny an application requesting approval,  
8 rezoning, or a special or conditional use permit for a  
9 renewable electric power generation facility or modification  
10 of an approved rezoning or special or conditional use permit  
11 within one hundred twenty days of the submission of an  
12 application.

13 c. Denial of an application for approval, rezoning, or a  
14 special or conditional use permit by a local authority must  
15 be based on substantial evidence in the record of material  
16 noncompliance with one or more specific provisions of this  
17 section or regulations of local authorities that are not  
18 inconsistent with this section. An appeal of such a denial by  
19 an adversely affected party may be brought by certiorari as  
20 provided in sections 335.18 and 335.19. The reviewing court  
21 shall expedite the proceeding to the extent practicable.

22 17. a. A local authority shall not adopt regulations  
23 that explicitly or implicitly disallow a renewable electric  
24 power generation facility from being developed or operated  
25 in any district zoned to allow agricultural or industrial  
26 use. A local authority may not prohibit or otherwise limit  
27 renewable electric power generation facility development  
28 based on corn suitability rating as calculated using the  
29 methodology recognized by the Iowa state university of science  
30 and technology. A local authority may not limit the size of  
31 any specific project or create caps on projects based on total  
32 land mass within the local jurisdiction.

33 b. A local authority may place one temporary moratorium  
34 for up to six months on the installation of a wind energy  
35 conversion facility for the purpose of adopting new regulations

1 that are consistent with this section. All new, revised,  
2 or amended ordinances or regulations pertaining to solar or  
3 solar energy conversion facilities shall only be prospectively  
4 applied.

5 c. Nothing in this section requires a local authority  
6 to adopt standards for approval of renewable electric power  
7 generation facilities.

8 Sec. 2. COMPLIANCE BY LOCAL AUTHORITIES. If any local  
9 authority has a standard in effect on or after the effective  
10 date of this Act that does not comply with the provisions in  
11 this Act, the local authority must amend the standard to comply  
12 with this Act by December 31, 2025.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with  
15 the explanation's substance by the members of the general assembly.

16 This bill relates to siting and operation of certain  
17 renewable electric power generation facilities.

18 The bill creates standard-making ability for local  
19 authorities approving a renewable electric power generation  
20 facility (facility) proposed after January 1, 2025.

21 The bill sets guidelines for a local authority to implement  
22 a facility setback standard, which shall include a facility's  
23 distance from specified existing buildings based on the  
24 facility's height. The local authority must include a process  
25 for an owner of an abutting dwelling, nonparticipating  
26 property, or community building to waive the setback standards.

27 The bill includes additional standards a local authority  
28 may implement including shadow flicker standards, sound  
29 limitations, a requirement that an applicant for a proposed  
30 facility shall agree to repair any damages caused by the  
31 facility, wind turbine height limitations, electric code  
32 and building code standards, fire protection standards,  
33 fencing limitations, ground cover standards, and solar energy  
34 conversion facility panel height requirements.

35 The bill requires a local authority to utilize reasonable

1 estimates for application approval costs and prohibits the  
2 local authority from requiring the facility owner to pay for  
3 administration or road work that is not directly attributable  
4 to the approval and construction of the facility. A local  
5 authority shall not prohibit or regulate a facility testing the  
6 suitability of a facility placement. Any regulations enacted  
7 after the application for a facility permit shall not limit the  
8 construction, operation, or maintenance of that facility. A  
9 local authority shall not prohibit an affected landowner or  
10 other entity from waiving requirements by conveyance of an  
11 easement.

12 The bill provides that a local authority may require a  
13 facility that is not owned or operated by a public utility  
14 regulated by the Iowa utilities commission to file a  
15 decommissioning plan including certain measures. The local  
16 authority is prohibited from requiring a facility to provide a  
17 revision or amendment of a decommissioning plan.

18 The bill requires a facility to be presumed abandoned if  
19 the facility has not been in operation for 24 months, with  
20 some exceptions. The owner of the abandoned facility is  
21 responsible for removing the facility and is subject to any  
22 other reasonable conditions in the decommissioning plan if  
23 applicable.

24 The bill shall not apply to a wind energy conversion facility  
25 with a nameplate capacity of 25 or more megawatts and that has  
26 applied for certification under Code chapter 476A, a facility  
27 that is currently operating or has applied for certification  
28 before the enactment of the bill, or the repowering of a  
29 facility existing on or before January 1, 2025, subject to  
30 certain conditions.

31 The bill requires a local authority to approve a request  
32 by a facility if the request is in compliance with the bill.  
33 A local authority shall issue a decision on a request by a  
34 facility within 120 days of the request submission. The denial  
35 of a request shall be supported by substantial evidence of

1 noncompliance by the facility.

2     The bill prohibits a local authority from disallowing the  
3 development of a facility in an agricultural or industrial  
4 district. The bill provides that a local authority may not  
5 prohibit or otherwise limit renewable electric power generation  
6 facility development based on corn suitability rating as  
7 calculated using the methodology recognized by the Iowa state  
8 university of science and technology. The bill prohibits a  
9 local authority from limiting the size of any specific project  
10 or creating caps on projects based on total land mass within  
11 the local jurisdiction.

12     The bill allows a local authority to place one temporary  
13 moratorium for up to six months on the installation of a  
14 wind energy conversion facility for the purpose of adopting  
15 new regulations that are consistent with the bill. The bill  
16 provides that all new, revised, or amended ordinances or  
17 regulations pertaining to solar or solar energy conversion  
18 facilities shall only be prospectively applied.

19     The bill expounds that a local authority is not required  
20 to adopt standards for approval of renewable electric power  
21 generation facilities; however, a local authority with existing  
22 siting standards in effect on or after the effective date  
23 of the bill that do not comply with the bill must amend the  
24 standards to comply with the bill by December 31, 2025.